

Brussels, 21 November 2018
(OR. en, fr)

14575/18
CRS CRP 38

SUMMARY RECORD
PERMANENT REPRESENTATIVES COMMITTEE
7 and 9 November 2018

I. Adoption of the agenda

13814/18 OJ CRP1 38 + ADD 1
13833/1/18 REV 1 OJ CRP2 38

The Committee adopted the agenda.

II. Approval of the "I" items

The Committee approved the "I" items as set out in the Annex.

III. Discussion items

COREPER (PART 1)

WEDNESDAY 7 NOVEMBER 2018

Environment

2. Regulation on CO2 standards for cars and vans (recast) 13654/18
Preparation for the trilogue

The Committee agreed on a mandate for the forthcoming trilogue.

3. Regulation on the alignment of the environmental reporting obligations 13458/18
Preparation for the trilogue

The Committee agreed on a mandate for the forthcoming trilogue.

4. Directive on single-use plastics
Presidency debriefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 6 November 2018.

Internal Market and Industry

5. Directive on the notification procedure 13713/18
Preparation for the trilogue 13733/18
13734/18
13735/18

The Committee agreed to revert on this item.

Education, Youth, Culture and Sport

6. Meeting of the Council (Education, Youth, Culture and Sport) on 26 and 27 November 2018:
Agenda

The Committee agreed on the provisional agenda for the forthcoming Council meeting.

Telecommunications

7. Directive on re-use of public sector information 13418/18
Preparation for the trilogue

The Committee agreed on a mandate for the forthcoming trilogue. The Commission reassured delegations that while elaborating the list of high value datasets for the implementing act, it would ensure full complementarity with other relevant legislation, in particular with delegated acts based on the ITS Directive. Therefore, a priori, datasets covered by the ITS delegated act should not be covered by the list of high value datasets in the PSI.

Employment and Social Policy

8. Directive on the accessibility requirements for products and services 13811/18
Preparation for the trilogue

The Committee agreed on a mandate for the forthcoming trilogue.

Employment and Social Policy

47. Agencies 13613/18 + COR 1
+ ADD 1 - 3
- a) Regulation on Eurofound
 - b) Regulation on EU-OSHA
 - c) Regulation on CEDEFOP
- Analysis of the final compromise text with a view to agreement*

The Committee endorsed the texts of the final compromises and mandated the Presidency to inform the European Parliament that, should the European Parliament adopt its positions at first reading in accordance with these compromises (subject to revision by the legal linguists), the Council would approve the European Parliament's positions and the acts shall be adopted.

Employment and Social Policy

9. Directive on work-life balance
Presidency debriefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 6 November 2018.

8. (continuation) Directive on the accessibility requirements for products and services
Presidency debriefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 8 November 2018.

Transport

10. Directive on port reception facilities
Presidency debriefing on the outcome of the trilogue

The Committee took note of the information provided by the Presidency on the outcome of the trilogue of 6 November 2018.

Competitiveness

11. Meeting of the Council (Competitiveness (Internal Market, Industry, Research and Space)) on 29 and 30 November 2018: Agenda

The Committee agreed on the provisional agenda for the forthcoming Council meeting.

Energy

12. Directive on electricity (recast) 7506/5/18 REV 5
Preparation for the trilogue

The Committee agreed on a mandate for the forthcoming trilogue.

13. Regulation on electricity (recast) 5834/5/18 REV 5
Preparation for the trilogue + COR 1

The Committee agreed on a mandate for the forthcoming trilogue.

COREPER (PART 2)

General Affairs

21. Meeting of the Council (General Affairs/Cohesion) on
30 November 2018 : Agenda

The Presidency presented the main items on the agenda.

Economic and Financial Affairs

22. Meeting of the Council (Economic and Financial Affairs) on
6 November 2018: Follow-up

The Committee took note of the main outcomes of the Council meeting.

Justice and Home Affairs

23. Regulation establishing the Asylum, Migration and Integration
Fund (AMIF)- recommitment of remaining amounts 13714/18
Mandate for negotiations with the European Parliament

The above-mentioned item was withdrawn.

Foreign Affairs

24. Meeting of the Council (Foreign Affairs/Development) on
26 November 2018: Agenda

The EEAS presented the main items on the agenda.

25. 7th EU-South Africa Summit 13663/18
State of play and guidance for further work

The Committee discussed the state of play and agreed to return to this at its next session.

Statement by Poland

"Poland remains dedicated to respond to challenges to achieve full equality between women and men. International agreements guide us in this respect, however not all significant issues are addressed by the international instruments. As the term of "sexual and reproductive health and rights" lacks any internationally recognized definition, Poland interprets its scope in line with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action."

General Affairs

26. Meeting of the Council (General Affairs) on 12 November 2018: Preparation

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|----|---|----------|
| a) | Multiannual Financial Framework (2021-2027) | 13471/18 |
| | <i>Policy debate</i> | 13473/18 |

The Committee held an exchange of views on the Multiannual Financial Framework (2021-2027) and prepared this item for the Council.

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| b) | Annotated draft agenda for the European Council on
13-14 December 2018 | 13430/18 |
| | <i>Exchange of views</i> | |

The Committee took note of the annotated draft agenda of the European Council on 13-14 December 2018.

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| c) | European Semester 2019 - Roadmap | 12451/18 |
| | <i>Presentation by the Presidency</i> | |

The Committee prepared this item for the Council.

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| d) | Annual Rule of Law Dialogue | 13591/18 |
| | <i>Exchange of views</i> | |

The Committee prepared this item for the Council.

- e) Other items in connection with the Council meeting

Presidency provided further information regarding the Council meeting.

Justice and Home Affairs

27. Migration *State of play*

The Committee took note of the information provided by the Presidency, the Commission and the EEAS.

IV. Any other business

COREPER (PART 1)

Roadmap for the European Semester 2019

12451/1/18 REV 1

Presentation by the Presidency and the incoming Presidency

The Committee took note of the presentation given by the Presidency and the incoming Presidency.

COREPER (PART 2)

Joint action plan of the Commission and the EEAS to fight
disinformation

The Committee agreed to return to this issue as a full item at its next session.

Trilogues

The Committee took note of the information provided by the Presidency.

"I" items approved**COREPER (PART 1)****Institutional Affairs****Appointments**

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| 14. One member (BE) in the category of representatives of employers' organisations of Governing Board of the European Centre for the Development of Vocational Training (CEDEFOP)
<i>Adoption</i> | 13224/18
EDUC |
| 15. One member (SK) in the category of representatives of employees' organisations of Governing Board of the European Centre for the Development of Vocational Training (CEDEFOP)
<i>Adoption</i> | 13223/18
EDUC |

Judicial Affairs

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| 16. Case C-620/18 (Hungary against European Parliament and Council of the European Union)
<i>Information note for the Permanent Representatives Committee (Part I)</i> | 13486/18
JUR |
| 17. Case C-626/18 (Poland against European Parliament and Council of the European Union)
<i>Information note for the Permanent Representatives Committee (Part I)</i> | 13538/18
JUR |

EU positions for international negotiations

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| 18. Council Decision on the EU position on COP2 of the Minamata Convention on Mercury
<i>Adoption</i> | 13636/18 + COR 1
13416/18
ENV |
| 19. Meetings of the World Anti-Doping Agency (WADA) (Baku, 14 and 15 November 2018)
<i>European Union coordination of a common position</i> | 13646/18
SPORT |

Internal Market and Industry

20. Regulation on import of cultural goods
Mandate for negotiations with the European Parliament

13736/18 + ADD 1
13603/1/18 REV 1
UD

Statement by the Netherlands

"For the Netherlands, the fight against the illicit trade in cultural goods and the fight against terrorism financing are of the utmost importance. The Netherlands are active and committed to these subjects.

To be effective, the Regulation should be focused on the fight against terrorism financing and limit the scope to those high risk goods from high risk countries that are connected to it. In that way we will also prevent needless administrative burden for both the government authorities and the art trade.

We furthermore strongly advise to align the annexes used (especially Annex B and C) with the annexes used in the export regulation (Vo 116/2009), as these are already known by government authorities and art trade.

We therefore encourage the Presidency, all member states and the Commission to keep the objective of the Regulation in mind for the coming trilogue negotiations."

COREPER (PART 2)

Judicial Affairs

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| 28. | Case T-376/18 (Front Polisario v. Council)
<i>Authorisation to produce a copy of or an extract from a Council document for use in legal proceedings</i> | 13847/18
JUR
PECHE |
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Institutional Affairs

Appointments

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| 29. | Two members and two alternate members (DK) of the Committee of the Regions
<i>Adoption</i> | 12574/18
12573/18
CDR |
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Economic and Financial Affairs

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| 30. | ECA SR No 26/2018 on a series of delays in Customs IT systems
<i>Designation of a Working Party</i> | 13575/18
FIN |
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General Affairs

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| 31. | Amendment of Protocol No 3 on the Statute of the Court of Justice of the European Union
<i>General approach</i> | 13588/18
13587/18
JUR
INST |
| 32. | EBA relocation
<i>Adoption of the legislative act</i> | 13594/18 + ADD 1
PE-CONS 39/18
EF |

Statement by the Council Legal Service

"The Legal Service of the Council recalls that, as explained in its contribution no. 9544/17 of 22 May 2017, the determination of the seat of any EU body or agency, other than an institution listed in Article 13 TEU, must be made by a political Decision requiring the common accord of the Representatives of the Governments of the Member States. This applies to new EU bodies and agencies as well as to existing EU bodies and agencies of which the seat must be changed for whatever reason."

Statement by Luxembourg

"Le Luxembourg rappelle que rien dans les règlements sur la relocalisation des agences ABE et AME, ni dans la déclaration afférente du Conseil ne saurait être interprété comme affectant le rôle des États membres dans le choix des sièges des agences de l'Union."

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| 33. | EMA relocation
<i>Adoption of the legislative act</i> | 13598/18 + ADD 1
PE-CONS 40/18
ECO |
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Statement by Italy

"Italy is not in the position to support the proposal to amend Regulation (EC) 726/2004 on the relocation of the seat of the European Medicines Agency (EMA). As underlined in the action for annulment brought before the Court of Justice of the European Union by Italy on 30 January 2018 (case C59/18), the Italian Government believes that the decision, adopted in the margin of the meeting of the Council, in the configuration "general affairs", on 20 November 2017, which has identified the city of Amsterdam as new seat of EMA, has been vitiated by a misuse of powers as a consequence of a lack of investigation and serious misrepresentation of the facts due to incorrect or misleading information on the characteristics and timing of the availability of the new headquarters in Amsterdam. This is confirmed by the fact that the relocation to the new premises (Vivaldi Building) will take place from 16 November 2019 instead of 1 April 2019 as initially foreseen in the Dutch offer and reported in the Commission assessment. Furthermore, the new conference centre, crucial for the Agency's activity, will not be ready, as initially foreseen, on 1 April 2019, but will be available, together with the new building, only starting from 16 November 2019."

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| 34. | Regulation amending Common Provisions Regulation:
Technical adjustment 2018 (YEI)
<i>Adoption of the legislative act</i> | 13545/18
PE-CONS 57/18
FSTR |
| 35. | EU's common position for the 50th meeting of the EEA Council
<i>Establishment of the EU position</i> | 13475/18
EEE |

Justice and Home Affairs

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| 36. | Prüm Decisions: Council Implementing Decision on automated
DNA data exchange in Ireland
<i>Adoption</i> | 13632/18
11282/18
9098/18
DAPIX |
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| 37. | Prüm Decisions: Council Implementing Decision on automated dactyloscopic data exchange in Ireland
<i>Adoption</i> | 13633/18
11265/18
7496/1/18 REV 1
DAPIX |
| 38. | Prüm Decisions: Council Implementing Decision on automated dactyloscopic data exchange in Croatia
<i>Adoption</i> | 13634/18
11284/18
9089/18
DAPIX |

Foreign Affairs

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| 39. | Council Decision on EDF contributions: ceiling 2020, annual amount 2019, first instalment 2019, forecast 2021-2022
<i>Adoption</i> | 13429/18
13344/18
ACP |
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Statement by United Kingdom

"The UK is still waiting for a response to the concerns raised at a political level in August, including via Secretary of State for International Development's letter to the Commission of 23 August 2018, on the treatment of UK entities in the tendering process of EU programmes. This issue is of critical importance and is having unnecessary negative consequences for ongoing and planned development programming. The Commission's actions risk denying the beneficiaries of EU development assistance access to the best available expertise through open and fair competition, by discouraging UK organisations from bidding to implement programmes. We have an obligation to account to the UK Parliament that UK Overseas Development Assistance is spent effectively and delivers value for money, which extends to the partners delivering UK ODA. Whilst we await the assurances sought from the Commission, the UK government feels unable to vote in favour of the Council Decision on the EDF Contributions."

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| 40. | Twentieth Annual Report on exports of military technology and equipment
<i>Approval</i> | 13585/18
13388/1/18 REV1
+ ADD 1-7 REV 1
COARM |
| 41. | Single Progress Report on the Development of EU Military Capabilities in the period from November 2016 to June 2018 | 13464/18
13463/18
CSDP/PSDC |
| 42. | Support of SEESAC for the implementation of the Regional Roadmap on combating illicit arms trafficking in the Western Balkans - Decision
<i>Adoption</i> | 13695/18
12975/18
CORLX |